

### **REMARKS/ARGUMENTS**

Claims 77-93 are pending in the application. By this amendment, claim 77 is being amended to improve its form. No new matter is involved.

On page 2 of the Office Action, claim 1 is objected to because the word "covering" is misspelled. In response, Applicant is amending claim 77 inasmuch as the word "covering" is misspelled in the eighth line thereof.

In paragraph 1 which begins at the bottom of page 2 of the Office Action, claims 77-93 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of the U.S. Patent 6,157,428. In response, Applicant is filing a terminal disclaimer with respect to the '428 patent. Therefore, the rejection on obviousness-type double patenting based on claims 1-23 of the '428 patent has been removed.

In paragraph 2 on page 3 of the Office Action, claims 77-93 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent 5,608,556. It is stated therein that while the conflicting claims are not identical, they are not patentably distinct from each other because the claims are broader except for the inclusion of "a surface of the pixel electrodes facing the liquid crystal layer is substantially flat" which is well known to be a conventional design as is also disclosed as such in Fig. 2 of the prior art in Applicant's specification. This rejection is respectfully traversed.

The rejection on obviousness-type double patenting based on the '556 patent was recently discussed by the undersigned with Examiner Lee. As discussed by the undersigned, the claims of the present application contain numerous limitations which are not present in claims 1-22 of the '556 patent. For example, claims 1-22 of the '556 patent do not define an "inter-layer insulation film" having a sufficient thickness "to alleviate an influence on the liquid crystal layer from an electric field

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generated by the thin film transistors, the gate lines, and the drain lines". Accordingly, it is respectfully submitted that the claims of the present application are patentably distinct from claims 1-22 of the '556 patent.

Applicant strongly believes that the claims of the present application are patentably distinct from and should not be rejected over claims 1-22 of the '556 patent on the grounds of obviousness-type double patenting. However, as discussed by the undersigned with the Examiner, should the Examiner still believe that rejection of the claims of the present application based on claims 1-22 of the '556 patent is still proper after reviewing these remarks, then the Examiner will entertain the filing of a terminal disclaimer so as to remove such rejection.

In paragraph 3 which begins on page 3 of the Office Action, claims 77-93 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,859,683 of Tagusa et al. in view of U.S. Patent 5,309,264 of Lien et al. In response, Applicant is submitting a declaration under 37 C.F.R. § 1.131, dated and signed by the inventor, Norio Koma. As noted in the declaration, the invention claimed in the present application was partially described in Japanese Patent Application No. HEI 8-43675 which was filed in Japan on February 29, 1996. In particular, the subject matter shown in Figs. 1-14 and described in pages 12-28 of the Description of Preferred Embodiments of the present application was described in the Japanese application. As such, the invention was complete at least by February 29, 1996, which is a date earlier than the filing date of the Tagusa et al. reference.

In further response to this rejection, Applicant is enclosing a verified English translation of the corresponding Japanese application in order to perfect the claim for priority.

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In view of the enclosed declaration under 37 C.F.R. § 1.131 and the verified English translation, the reference to Tagusa has been sworn behind and should be removed as a reference.

Regarding U.S. Patent 5,309,264 of Lien, combined with Tagusa in rejecting claims 77-93, the Lien et al. reference fails to disclose or even suggest provision of a interlayer insulation film covering the thin film transistor, gate line, and drain line or the necessity of such a structure. Consequently, Lien fails to disclose or even suggest formation of a pixel electrode on the interlayer insulation layer, and thus, the reference neither discloses nor suggests the present invention. Claims 77-93 are submitted to clearly distinguish patentably thereover.

In conclusion, claims 77-93 are submitted to clearly distinguish patentably over the prior art and should be allowable for the reasons set forth above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

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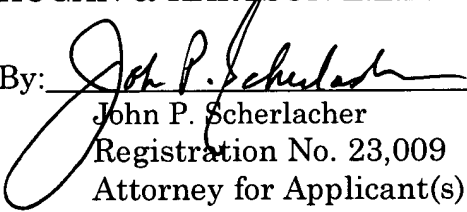
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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: June 22, 2005

By: \_\_\_\_\_

  
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